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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 MICHAEL HAM, *et al.*,

11 Plaintiffs,

12 v.

13 JP MORGAN CHASE BANK N.A., *et al.*,

14 Defendants.
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Case No. 2:11-CV-01544-KJD-RJJ

ORDER

16 Presently before the Court is Plaintiffs' Motion to Remand (#8). Defendants filed a response
17 in opposition (#14) to which Plaintiffs replied (#15). Also before the Court is Plaintiffs Motion for
18 Declaratory Relief (#9). Defendants filed a response in opposition (#12/21) to which Plaintiffs
19 replied (#23).

20 Having read and considered Plaintiffs' motion to remand, it is denied. The face of the
21 complaint raised issues of federal law despite the labels Plaintiffs put on the causes of action.
22 Furthermore, diversity jurisdiction exists because the amount in controversy exceeds \$75,000 and
23 Plaintiffs and Defendants are completely diverse. Finally, Defendants all adequately and timely
24 signaled their agreement to removal.

25 Finally, Plaintiffs' motion for declaratory relief is denied as premature and moot. First,
26 Defendants rescinded the foreclosure sale. Second, Plaintiffs' motion is essentially a motion for

1 summary judgment on the claims in. However, discovery has yet to take place. Therefore, the Court
2 denies Plaintiffs' motion for declaratory relief.

3 Accordingly, **IT IS HEREBY ORDERED** that Plaintiffs' Motion to Remand (#8) is
4 **DENIED;**

5 **IT IS FURTHER ORDERED** that Plaintiffs Motion for Declaratory Relief (#9) is
6 **DENIED.**

7 DATED this 3rd day of February 2012.

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Kent J. Dawson
United States District Judge
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